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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 HAMID REZA HASEMI,  
11 #77689

12 Plaintiff,

13 vs.

14 JACK PALMER, *et al.*,

15 Defendants.  
16 \_\_\_\_\_/

3:11-cv-00694-HDM-VPC

**ORDER**

17 On September 26, 2011, the court received a habeas petition from petitioner on the court-  
18 approved form. Petitioner failed to submit an application to proceed *in forma pauperis* or to pay the  
19 filing fee.

20 Moreover, a petition for writ of habeas corpus is the method by which a prisoner  
21 challenges the legality or duration of his custody, or raises a constitutional challenge which could entitle  
22 him to an earlier release. *Preiser v. Rodriguez*, 411 U.S. 475 (1973); *Young v. Kenny*, 907 F.2d 874 (9th  
23 Cir. 1990), *cert. denied* 11 S.Ct. 1090 (1991). However, plaintiff appears to complain of the  
24 confiscation of his religious property, and therefore, his claims appear to implicate his civil rights  
25 pursuant to 42 U.S.C. § 1983 and do not sound in habeas corpus. Accordingly, this action is dismissed  
26 without prejudice. If plaintiff chooses to file a civil rights action pursuant to § 1983, he may do so in

1 a new action, with a new case number, on the court-approved forms, accompanied by either an  
2 application to proceed *in forma pauperis* or the filing fee.

3 **IT IS THEREFORE ORDERED** that this petition is **DISMISSED** without prejudice.

4 **IT IS FURTHER ORDERED** that the Clerk **SHALL SEND** plaintiff the approved form  
5 for an Application to Proceed *In Forma Pauperis* by a prisoner, as well as the document “Information  
6 and Instructions for Filing a Motion to Proceed *In Forma Pauperis*.”

7 **IT IS FURTHER ORDERED** that the Clerk **SHALL SEND** plaintiff the approved form  
8 for filing a civil rights lawsuits under 42 U.S.C. §1983.

9 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close  
10 this case.

11 DATED this 11<sup>th</sup> day of October, 2011.

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UNITED STATES DISTRICT JUDGE